

The Gazette of India

EXTRAORDINARY
PART II—Section 2
PUBLISHED BY AUTHORITY

29.12.58

No. 58] NEW DELHI, THURSDAY, DECEMBER 18, 1958/AGRAHAYANA 27, 1880

LOK SABHA

The following Bill was introduced in Lok Sabha on the 18th December, 1958:—

BILL No. 138 OF 1958

A Bill to consolidate and amend the law relating to arms and ammunition.

BE it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

5 1. (1) This Act may be called the Arms Act, 1958.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commence-
ment.

2. (1) In this Act, unless the context otherwise requires,—

10 (a) “acquisition”, with its grammatical variations and cognate expressions, includes hiring, borrowing, or accepting as a gift;

Definitions-
and inter-
pretation.

(b) “ammunition” means ammunition for any firearm and includes—

15 (i) rockets, bombs, grenades, shells and other like missiles,

(ii) articles designed for torpedo service and submarine mining,

20 (iii) other articles containing, or designed or adapted to contain, explosive, fulminating or fissionable material or

noxious liquid, gas or other such thing, whether capable of use with firearms or not,

(iv) charges for firearms and accessories for such charges,

(v) fuses and friction tubes,

(vi) parts of, and machinery for manufacturing, ammunition, and

(vii) such ingredients of ammunition as the Central Government may, by notification in the Official Gazette, specify in this behalf;

(c) "arms", means articles of any description designed or adapted as weapons for offence or defence, and includes firearms, sharp edged and other deadly weapons, and parts of, and machinery for manufacturing, arms, but does not include articles designed solely for domestic or agricultural uses and weapons incapable of being used otherwise than as toys or of being converted into serviceable weapons;

(d) "district magistrate", in relation to a presidency town or the city of Hyderabad, means the Commissioner of Police thereof;

(e) "firearms", means arms of any description designed or adapted to discharge a projectile or projectiles of any kind by the action of any explosive or other forms of energy and includes—

(i) artillery, hand-grenades, riot-pistols or weapons of any kind designed or adapted for the discharge of any noxious liquid, gas or other thing,

(ii) accessories for any such firearm designed or adapted to diminish the noise or flash caused by the firing thereof,

(iii) parts of, and machinery for manufacturing, firearms, and

(iv) carriages, platforms and appliances for mounting, transporting and serving firearms;

(f) "licensing authority" means an officer or authority empowered to grant or renew licences, under rules made under this Act, and includes the Government;

(g) "prescribed" means prescribed by rules made under this Act;

(h) "prohibited ammunition" means any ammunition containing, or designed or adapted to contain, any noxious liquid, gas or other thing;

(i) "prohibited arms" means—

(i) firearms so designed or adapted that, if pressure is applied to the trigger, missiles continue to be discharged until pressure is removed from the trigger or the magazine containing the missiles is empty, or

(ii) weapons of any description designed or adapted for the discharge of any noxious liquid, gas or other thing;

(j) "public servant" has the same meaning as in section 21 of the Indian Penal Code;

(k) "transfer", with its grammatical variations and cognate expressions, includes letting on hire, lending, giving and parting with possession.

(2) For the purposes of this Act, the length of the barrel of a firearm shall be measured from the muzzle to the point at which the charge is exploded on firing.

CHAPTER II

ACQUISITION, POSSESSION, MANUFACTURE, SALE, IMPORT, EXPORT AND TRANSPORT OF ARMS AND AMMUNITION

3. No person shall acquire, have in his possession, or carry any firearm or ammunition unless he holds in this behalf a licence issued in accordance with the provisions of this Act and the rules made thereunder: Licence for acquisition and possession of firearms and ammunition.

Provided that a person may, without himself holding a licence, carry any firearm or ammunition in the presence, or under the written authority, of the holder of the licence for repair or for renewal of the licence or for use by such holder for purposes of sport.

4. If the Central Government is of opinion that having regard to the circumstances prevailing in any area it is necessary or expedient in the public interest that the acquisition, possession or carrying of arms other than firearms should also be regulated it may, by notification in the Official Gazette, direct that this section shall apply to the area specified in the notification, and thereupon no person shall acquire, have in his possession or carry arms of any description in that area unless he holds in this behalf a licence issued in accordance with the provisions of this Act and the rules made thereunder. Licence for acquisition and possession of arms of any description in specified cases.

5. No person shall—

(a) manufacture, sell, transfer, repair, test or prove, or

(b) expose or offer for sale or transfer or have in his possession for sale, transfer, repair, test or proof,

Licence for manufacture sale, etc., of, arms and ammunition.

any arms or ammunition, unless he holds in this behalf a licence issued in accordance with the provisions of this Act and the rules made thereunder:

Provided that a person may, without holding a licence in this behalf, sell or transfer any arms or ammunition which he lawfully 5 possesses for his own private use to another person who is entitled by virtue of this Act or any other law for the time being in force to have, or is not prohibited by this Act or such other law from having, in his possession, such arms or ammunition; but the person who has sold or transferred such arms or ammunition shall, immediately 10 after the sale or transfer, inform in writing the district magistrate having jurisdiction, or the officer in charge of the nearest police station, of such sale or transfer and the name and address of the other person to whom the arms or ammunition have or has been sold 15 or transferred.

Licence for the shortening of guns or conversion of imitation firearms into firearms.

6. No person shall shorten the barrel of a firearm or convert an imitation firearm into a firearm unless he holds in this behalf a licence issued in accordance with the provisions of this Act and the rules made thereunder.

Explanation.—In this section the expression “imitation firearm” 20 means anything which has the appearance of being a firearm, whether it is capable of discharging any shot, bullet or other missile or not.

Prohibition of acquisition or possession, or of manufacture or sale, of prohibited arms or prohibited ammunition.

7. No person shall—

- (a) acquire, have in his possession or carry; or 25
- (b) manufacture, sell, transfer, repair, test or prove; or
- (c) expose or offer for sale or transfer or have in his possession for sale, transfer, repair, test or proof;

any prohibited arms or prohibited ammunition unless he has been specially authorised by the Central Government in this behalf. 30

Prohibition of sale or transfer of firearms not bearing identification marks.

8. (1) No person shall obliterate, remove, alter or forge any name, number or other identification mark stamped or otherwise shown on a firearm.

(2) No person shall sell or transfer any firearm which does not bear the name of the maker, manufacturer's number or other identification mark stamped or otherwise shown thereon in a manner 35 approved by the Central Government.

(3) Whenever any person has in his possession any firearm without such name, number or other identification mark or on

which such name, number or other identification mark has been obliterated, removed, altered or forged, it shall be presumed unless the contrary is proved, that he has obliterated, removed, altered or forged that name, number or other identification mark:

- 5 Provided that in relation to a person who has in his possession at the commencement of this Act any firearm without such name, number or other identification mark stamped or otherwise shown thereon, the provisions of this sub-section shall not take effect until after the expiration of six months from such commencement.

- 10 9. (1) Notwithstanding anything in the foregoing provisions of this Act,—

(a) no person,—

- (i) who has not completed the age of eighteen years, or
 15 (ii) who has been sentenced on conviction of any offence involving violence or moral turpitude to imprisonment for a term of not less than six months, at any time during a period of five years after the expiration of the sentence, or

5 of 1898.

- (iii) who has been ordered to execute under Chapter VIII of the Code of Criminal Procedure, 1898, a bond for
 20 keeping the peace or for good behaviour, at any time during the term of the bond,

shall acquire, have in his possession or carry any firearm or ammunition;

- (b) no person shall sell or transfer any firearm or ammunition to, or repair, test or prove any firearm or ammunition for,
 25 any other person whom he knows, or has reason to believe—

- (i) to be prohibited under clause (a) from acquiring, having in his possession, or carrying any firearm or ammunition, or
 30 (ii) to be of unsound mind at the time of such sale or transfer, or such repair, test or proof.

- (2) Notwithstanding anything in sub-clause (i) of clause (a) of sub-section (1), a person who has completed the age of fourteen years but has not completed the age of eighteen years, may use
 35 under prescribed conditions a point 22 bore rifle or an air rifle in the course of his training in the use of such rifle.

Prohibition of acquisition or possession by, or of sale or transfer to, young persons and certain other persons of firearms, etc.

Licence for
import and
export of
arms etc.

10. (1) No person shall bring into, or take out of, India by sea, land or air any arms or ammunition unless he holds in this behalf a licence issued in accordance with the provisions of this Act and the rules made thereunder:

Provided that—

5

(a) a person who is entitled by virtue of this Act or any other law for the time being in force to have, or is not prohibited by this Act or such other law from having, in his possession any arms or ammunition, may without a licence in this behalf bring into, or take out of, India such arms or ammunition 10 in reasonable quantities for his own private use;

(b) a person being a foreigner coming to India for a period not ordinarily exceeding three months who is not prohibited by the laws of his country from having in his possession any arms or ammunition, may without a licence under this section bring 15 with him into India such arms or ammunition in reasonable quantities to be used by him for purposes of sport.

(2) Notwithstanding anything contained in the proviso to subsection (1), where the collector of customs or any other officer empowered by the Central Government in this behalf has any doubt 20 as to the applicability of clause (a) or clause (b) of that proviso to any person who claims that such clause is applicable to him, or as to the reasonableness of the quantities of arms or ammunition in the possession of any person referred to in such clause, or as to the use to which such arms or ammunition may be put by such person, may 25 detain the arms or ammunition in the possession of such person until he receives the orders of the Central Government in relation thereto.

(3) Arms and ammunition taken from one part of India to another by sea or air or across any intervening territory not forming 30 part of India, are taken out of, and brought into, India within the meaning of this section.

Power to
prohibit
import or
export of
arms, etc.

11. The Central Government may, by notification in the Official Gazette, prohibit the bringing into, or the taking out of, India, arms or ammunition of such classes and descriptions as may be specified 35 in the notification.

Power to
restrict or
prohibit
transport
of arms.

12. (1) The Central Government may, by notification in the Official Gazette,—

(a) direct that no person shall transport over India or any part thereof arms or ammunition of such classes and descriptions 40 as may be specified in the notification unless he holds in this behalf a licence issued in accordance with the provisions of this Act and the rules made thereunder; or

(b) prohibit such transport altogether.

(2) Arms or ammunition trans-shipped at a seaport or an airport in India are transported within the meaning of this section.

CHAPTER III

5

PROVISIONS RELATING TO LICENCES

13. (1) An application for the grant of a licence under Chapter II shall be made to the licensing authority and shall be in such form, contain such particulars and be accompanied by such fee, if any, as may be prescribed. Grant of licences.

10 (2) On receipt of an application, the licensing authority, after making such inquiry, if any, as it may consider necessary, shall, subject to the other provisions of this Chapter, by order in writing either grant the licence or refuse to grant the same,

(3) The licensing authority shall grant—

15 (a) a licence under section 3 where the licence is required—

(i) by a citizen of India in respect of a smooth bore gun having a barrel of not less than twenty inches in length to be used for protection or sport or in respect of a muzzle loading gun to be used for *bona fide* crop protection, or

20 (ii) in respect of a point 22 bore rifle or an air rifle to be used for target practice by a member of a rifle club or rifle association licensed or recognised by the Central Government;

25 (b) a licence under section 3 in any other case or a licence under section 4, section 5, section 6, section 10 or section 12, if the licensing authority is satisfied that the person by whom the licence is required has a good reason for obtaining the same.

14. (1) Notwithstanding anything in section 13, the licensing authority shall refuse to grant— Refusal of licences.

30 (a) a licence under section 3, section 4 or section 5 where such licence is required in respect of any prohibited arms or prohibited ammunition;

(b) a licence in any other case under Chapter II,—

35 (i) where such licence is required by a person whom the licensing authority has reason to believe—

(1) to be prohibited by this Act or by any other law for the time being in force from acquiring, having in his possession or carrying any arms or ammunition, or

(2) to be unsound mind, or

(3) to be for any reason unfit for a licence under this Act; or

(ii) where the licensing authority deems it necessary for the security of the public peace to refuse to grant such licence. 5

(2) The licensing authority shall not refuse to grant any licence to any person merely on the ground that such person does not own or possess sufficient property.

(3) Where the licensing authority refuses to grant a licence to 10 any person it shall record in writing the reasons for such refusal and furnish to that person on demand a brief statement of the same unless in any case the licensing authority is of the opinion that it will not be in the public interest to furnish such statement.

Duration
and renewal
of licence. \

15. (1) A licence under section 3 shall, unless revoked earlier, 15 continue in force for a period of three years from the date on which it is granted:

Provided that such a licence may be granted for a shorter period if the person by whom the licence is required so desires or if the licensing authority for reasons to be recorded in writing considers in 20 any case that the licence should be granted for a shorter period.

(2) A licence under any other provision of Chapter II shall, unless revoked earlier, continue in force for such period from the date on which it is granted as the licensing authority may in each case determine. 25

(3) Every licence shall, unless the licensing authority for reasons to be recorded in writing otherwise decides in any case, be renewable for the same period for which the licence was originally granted and shall be so renewable from time to time, and the provisions of sections 13 and 14 shall apply to the renewal of a licence as they 30 apply to the grant thereof.

Fees, etc., for
licence.

16. The fees on payment of which, the conditions subject to which and the form in which a licence shall be granted or renewed shall be such as may be prescribed:

Provided that different fees, different conditions and different 35 forms may be prescribed for different types of licences:

Provided further that a licence may contain in addition to prescribed conditions such other conditions as may be considered necessary by the licensing authority in any particular case.

Variation,
suspension
and revoca-
tion of
licences.

17. (1) The licensing authority may vary the conditions subject to which a licence has been granted except such of them as have been prescribed and may for that purpose require the licence-holder by notice in writing to deliver-up the licence to it within such time as may be specified in the notice.

(2) The licensing authority may, on the application of the holder of a licence, also vary the conditions of the licence except such of them as have been prescribed.

(3) The licensing authority may by order in writing suspend a licence for such period as it thinks fit or revoke a licence,—

(a) if the licensing authority is satisfied that the holder of the licence is prohibited by this Act or by any other law for the time being in force, from acquiring, having in his possession or carrying any arms or ammunition or is of unsound mind, or is for any reason unfit for a licence under this Act; or

(b) if the licensing authority deems it necessary for the security of the public peace to suspend or revoke the licence; or

(c) if the licence was obtained by the suppression of material information or on the basis of wrong information provided by the holder of the licence or any other person on his behalf at the time of applying for it; or

(d) if any of the conditions of the licence has been contravened; or

(e) if the holder of the licence has failed to comply with a notice under sub-section (1) requiring him to deliver-up the licence.

(4) The licensing authority may also revoke a licence on the application of the holder thereof.

(5) Where the licensing authority makes an order varying a licence under sub-section (1) or an order suspending or revoking a licence under sub-section (3) it shall record in writing the reasons therefor and furnish to the holder of the licence on demand a brief statement of the same unless in any case the licensing authority is of the opinion that it will not be in the public interest to furnish such statement.

(6) The authority to whom the licensing authority is subordinate may by order in writing suspend or revoke a licence on any ground on which it may be suspended or revoked by the licensing authority; and the foregoing provisions of this section shall, as far as may be, apply in relation to the suspension or revocation of a licence by such authority.

(7) A court convicting the holder of a licence of any offence under this Act or the rules made thereunder may also suspend or revoke the licence:

Provided that if the conviction is set aside on appeal or otherwise, the suspension or revocation shall become void. 5

(8) An order of suspension or revocation under sub-section (7) may also be made by an appellate court or by the High Court when exercising its powers of revision.

(9) The Central Government may, by order in the Official Gazette, suspend or revoke or direct any licensing authority to 10 suspend or revoke all or any licences granted under this Act throughout India or any part thereof.

(10) On the suspension or revocation of a licence under this section the holder thereof shall without delay surrender the licence to the authority by whom it has been suspended or revoked or to 15 such other authority as may be specified in this behalf in the order of suspension or revocation.

Appeals.

18. (1) Any person aggrieved by an order of the licensing authority refusing to grant a licence or varying the conditions of a licence or by an order of the licensing authority or the authority to whom 20 the licensing authority is subordinate, suspending or revoking a licence may prefer an appeal against that order to such authority (hereinafter referred to as the appellate authority) and within such period as may be prescribed:

Provided that no appeal shall lie against any order made by, or 25 under the direction of, the Government.

(2) No appeal shall be admitted if it is preferred after the expiry of the period prescribed therefor:

Provided that an appeal may be admitted after the expiry of the period prescribed therefor if the appellant satisfies the appellate 30 authority that he had sufficient cause for not preferring the appeal within that period.

(3) The period prescribed for an appeal shall be computed in accordance with the provisions of the Indian Limitation Act, 1908, 9 of 1908. with respect to the computation of periods of limitation thereunder. 35

(4) Every appeal under this section shall be made by a petition in writing and shall be accompanied by a brief statement of the reasons for the order appealed against where such statement has been furnished to the appellant and by such fee as may be prescribed.

(5) In disposing of an appeal the appellate authority shall follow such procedure as may be prescribed:

Provided that no appeal shall be disposed of unless the appellant has been given a reasonable opportunity of being heard.

5 (6) The order appealed against shall, unless the appellate authority, conditionally or unconditionally directs otherwise, be in force pending the disposal of the appeal against such order.

(7) Every order of the appellate authority confirming, modifying or reversing the order appealed against shall be final.

CHAPTER IV

10

POWERS AND PROCEDURE

19. (1) Any police officer, or any other officer specially empowered in this behalf by the Central Government, may demand the production of his licence from any person who is carrying any arms or
15 ammunition. Power to demand production of licence, etc.

(2) If the person upon whom a demand is made refuses or fails to produce the licence or to show that he is entitled by virtue of this Act or any other law for the time being in force to carry such arms or ammunition without a licence, the officer concerned may seize
20 from that person the arms or ammunition which he is carrying and require him to give his name and address.

(3) If that person refuses to give his name and address or if the officer concerned suspects that person of giving a false name or address or of intending to abscond, such officer may arrest him with-
25 out warrant.

20. Where any person is found carrying or conveying any arms or ammunition whether covered by a licence or not, in such manner or under such circumstances as to afford just grounds of suspicion that the same are or is being carried by him with intent to use them,
30 or that the same may be used, for any unlawful purpose, any magistrate, any police officer or any other public servant or any person employed or working upon a railway, aircraft, vessel, vehicle or any other means of conveyance, may arrest him without warrant and seize from him such arms or ammunition. Arrest of persons conveying arms, etc., under suspicious circumstances.

35 21. (1) Any person having in his possession any arms or ammunition the possession whereof has, in consequence of the expiration of the duration of a licence or of the suspension or revocation of a licence or by the issue of a notification under section 4 or by any
reason whatever, ceased to be lawful, shall without unnecessary Deposit of arms, etc., on possession ceasing to be lawful.

delay deposit the same either with the officer in charge of the nearest police station or subject to such conditions as may be prescribed, with a licensed dealer or where such person is a member of the armed forces of the Union, in a unit armoury.

Explanation.—In this sub-section “unit armoury” includes an armoury in a ship or establishment of the Indian Navy. 5

(2) Where arms or ammunition have or has been deposited under sub-section (1) the depositor or in the case of his death, his legal representative, shall, at any time before the expiry of such period as may be prescribed, be entitled— 10

(a) to receive back anything so deposited on his becoming entitled by virtue of this Act or any other law for the time being in force to have the same in his possession, or

(b) to dispose, or authorise the disposal of, anything so deposited by sale or otherwise to any person entitled by virtue 15 of this Act or any other law for the time being in force to have, or not prohibited by this Act or such other law from having, the same in his possession and to receive the proceeds of any such disposal:

Provided that nothing in this sub-section shall be deemed to 20 authorise the return or disposal of anything of which confiscation has been directed under section 32.

(3) All things deposited and not received back or disposed of under sub-section (2) within the period therein referred to shall be forfeited to Government by order of the district magistrate: 25

Provided that in the case of suspension of a licence no such forfeiture shall be ordered in respect of a thing covered by the licence during the period of suspension.

(4) Before making an order under sub-section (3) the district magistrate shall, by notice in writing to be served upon the depositor 30 or in the case of his death, upon his legal representative, in the prescribed manner, require him to show cause within fourteen days from the service of the notice why the things specified in the notice should not be forfeited.

(5) After considering the cause, if any, shown by the depositor 35 or, as the case may be, his legal representative, the district magistrate shall pass such order as he thinks fit.

(6) The Government may at any time return to the depositor or his legal representative things forfeited to it or the proceeds of disposal thereof wholly or in part. 40

22. (1) Whenever any magistrate has reason to believe—

Search and seizure by magistrate.

(a) that any person residing within the local limits of his jurisdiction has in his possession any arms or ammunition for any unlawful purpose, or

5 (b) that such person cannot be left in the possession of any arms or ammunition without danger to the public peace or safety,

the magistrate may, after having recorded the reasons for his belief, cause a search to be made of the house or premises occupied by such
10 person or in which the magistrate has reason to believe that such arms or ammunition are or is to be found and may have such arms or ammunition, if any, seized and detain the same in safe custody for such period as he thinks necessary, although that person may be entitled by virtue of this Act or any other law for the time being in
15 force to have the same in his possession.

(2) Every search under this section shall be conducted by or in the presence of a magistrate or by or in the presence of some officer specially empowered in this behalf by the Central Government.

23. Any magistrate, any police officer or any other officer specially
20 empowered in this behalf by the Central Government, may for the purpose of ascertaining whether any contravention of this Act or the rules made thereunder is being or is likely to be committed, stop and search any vessel, vehicle or other means of conveyance and seize any arms or ammunition that may be found therein alongwith
25 such vessel, vehicle or other means of conveyance.

Search of vessels, vehicles for arms, etc.

24. The Central Government may at any time order the seizure of any arms or ammunition in the possession of any person, notwithstanding that such person is entitled by virtue of this Act or any other law for the time being in force to have the same in his possession, and may detain the same for such period as it thinks necessary
30 for the public peace and safety.

Seizure and detention under order of the Central Government.

CHAPTER V

OFFENCES AND PENALTIES

25. (1) Whoever—

35 (a) acquires, has in his possession or carries any firearm or ammunition in contravention of section 3; or

Punishment for certain offences.

(b) acquires, has in his possession or carries any arms of any description in any place specified by the Central Government under section 4, in contravention of that section; or

(c) manufactures, sells, transfers, repairs, tests or proves, or exposes or offers for sale or transfer, or has in his possession for sale, transfer, repair, test or proof, any arms or ammunition in contravention of section 5; or

(d) shortens the barrel of a firearm or converts an imitation 5
firearm into a firearm in contravention of section 6; or

(e) acquires, has in his possession or carries, or manufactures, sells, transfers, repairs, tests or proves, or exposes or offers for sale or transfer, or has in his possession for sale, transfer, repair, test or proof, any prohibited arms or prohibited ammuni- 10
tion in contravention of section 7; or

(f) sells or transfers any firearm which does not bear the name of the maker, manufacturer's number or other identification mark stamped or otherwise shown thereon as required by sub-section (2) of section 8 or does any act in contravention of 15
sub-section (1) of that section; or

(g) being a person to whom sub-clause (ii) or sub-clause (iii) of clause (a) of sub-section (1) of section 9 applies, acquires, has in his possession or carries any firearm or ammunition in contravention of that section; or 20

(h) sells or transfers, or repairs, tests or proves any firearm or ammunition in contravention of clause (b) of sub-section (1) of section 9; or

(i) brings into, or takes out of, India any arms or ammunition in contravention of section 10; or 25

(j) brings into, or takes out of, India, arms or ammunition of any class or description in contravention of section 11; or

(k) transports any arms or ammunition in contravention of section 12; or

(l) fails to deposit arms or ammunition as required by sub- 30
section (1) of section 21; or

(m) being a manufacturer of, or dealer in, arms or ammunition, fails on being required to do so by rules made under section 44, to maintain a record or account or to make therein all such entries as are required by such rules or intentionally 35
makes a false entry therein or prevents or obstructs the inspection of such record or account or the making of copies of entries therefrom or prevents or obstructs the entry into any premises or other place where arms or ammunition are or is manufac-

tured or kept or intentionally fails to exhibit or conceals such arms or ammunition or refuses to point out where the same are or is manufactured or kept;

shall be punishable with imprisonment for a term which may extend
5 to three years, or with fine, or with both.

(2) Whoever being a person to whom sub-clause (i) of clause (a) of sub-section (1) of section 9 applies, acquires, has in his possession or carries any firearm or ammunition in contravention of that section shall be punishable with imprisonment for a term which
10 may extend to one year, or with fine, or with both.

(3) Whoever having sold or transferred any arms or ammunition under the proviso to section 5 fails to inform the district magistrate having jurisdiction or the officer in charge of the nearest police station, of such sale or transfer shall be punishable with imprisonment
15 for a term which may extend to six months, or with fine of an amount which may extend to five hundred rupees, or with both.

(4) Whoever fails to deliver-up a licence when so required by the licensing authority under sub-section (1) of section 17 for the purpose of varying the conditions specified in the licence or fails to
20 surrender a licence to the appropriate authority under sub-section (10) of that section on its suspension or revocation shall be punishable with imprisonment for a term which may extend to six months, or with fine of an amount which may extend to five hundred rupees, or with both.

(5) Whoever when required under section 19 to give his name and address refuses to give such name and address or gives a name or address which subsequently transpires to be false shall be punishable with imprisonment for a term which may extend to six months,
25 or with fine of an amount which may extend to two hundred rupees, or with both.

26. Whoever—

Secret contraventions.

(a) does any act in contravention of any of the provisions of sections 3, 4, 5, 6, 7, 10 or 11 in such manner as to indicate an intention that such act may not be known to any public
35 servant or to any person employed or working upon a railway, aircraft, vessel, vehicle or any other means of conveyance; or

(b) on any search being made under section 22 conceals or attempts to conceal any arms or ammunition;

shall be punishable with imprisonment for a term which may
40 extend to seven years, or with fine, or with both.

Punishment
for posses-
sing arms,
etc., with
intent to use
them for un-
lawful pur-
pose.

27. Whoever has in his possession any arms or ammunition with intent to use the same for any unlawful purpose or to enable any other person to use the same for any unlawful purpose shall, whether such unlawful purpose has been carried into effect or not, be punishable with imprisonment for a term which may extend to 5 seven years, or with fine, or with both.

Punishment
for use and
possession
of firearms
or imitation
firearms in
certain cases.

28. Whoever makes or attempts to make any use whatsoever of a firearm or an imitation firearm with intent to resist or prevent the lawful arrest or detention of himself or any other person shall be punishable with imprisonment for a term which may extend to 10 seven years, or with fine, or with both.

Explanation.—In this section the expression “imitation firearm” has the same meaning as in section 6.

Punishment
for know-
ingly pur-
chasing arms
etc., from
unlicensed
person or
for deliver-
ing arms,
etc., to per-
son not en-
titled to
possess the
same.

29. Whoever—

(a) purchases any arms or ammunition from any other 15 person knowing that such other person is not licensed or authorised under section 5; or

(b) delivers any arms or ammunition into the possession of another person without previously ascertaining that such other person is entitled by virtue of this Act or any other law for the 20 time being in force to have, and is not prohibited by this Act or such other law from having, in his possession the same;

shall be punishable with imprisonment for a term which may extend to six months, or with fine of an amount which may extend to five hundred rupees, or with both.

25

Punishment
for contra-
vention of
licence or
rule.

30. Whoever contravenes any condition of a licence or any provision of this Act or any rule made thereunder, for which no punishment is provided elsewhere in this Act shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

30

Punishment
for subse-
quent offen-
ces.

31. Whoever having been convicted of an offence under this Act is again convicted of an offence under this Act shall be punishable with double the penalty provided for the latter offence.

Power to
confiscate.

32. (1) When any person is convicted under this Act of any offence committed by him in respect of any arms or ammunition, it 35 shall be in the discretion of the convicting court further to direct that the whole or any portion of such arms or ammunition, and any vessel, vehicle or other means of conveyance and any receptacle or thing containing, or used to conceal, the arms or ammunition shall be confiscated:

Provided that if the conviction is set aside on appeal or other-
wise, the order of confiscation shall become void.

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(2) An order of confiscation may also be made by the appellate court or by the High Court when exercising its powers of revision.

33. (1) Whenever an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, or was responsible to the company for the conduct of, the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: Offences by companies.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment under this Act if he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) “company” means any body corporate, and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

CHAPTER VI

MISCELLANEOUS

34. Notwithstanding anything contained in the Sea Customs Act, 1878, no arms or ammunition shall be deposited in any warehouse licensed under section 16 of that Act without the sanction of the Central Government. Sanction of Central Government for warehousing of arms.

35. Where any arms or ammunition in respect of which any offence under this Act has been or is being committed are or is found in any premises or other place in the joint occupation or under the joint control of several persons, each of such persons shall, unless the contrary is proved, be liable for that offence in the same manner as if it has been or is being committed by him alone. Criminal responsibility of persons in occupation of premises in certain cases.

Information
to be given
regarding
certain
offences.

36. (1) Every person aware of the commission of any offence under this Act shall, in the absence of reasonable excuse the burden of proving which shall lie upon such person, give information of the same to the officer in charge of the nearest police station or the magistrate having jurisdiction. 5

(2) Every person employed or working upon any railway, aircraft, vessel, vehicle or other means of conveyance shall, in the absence of reasonable excuse the burden of proving which shall lie upon such person, give information to the officer in charge of the nearest police station regarding any box, package or bale in transit 10 which he may have reason to suspect contains arms or ammunition in respect of which an offence under this Act has been or is being committed.

Arrest and
searches.

37. Save as otherwise provided in this Act,—

(a) all arrests and searches made under this Act or under 15 any rules made thereunder shall be carried out in accordance with the provisions of the Code of Criminal Procedure, 1898, 5 of 1898, relating respectively to arrests and searches made under that Code;

(b) any person arrested and any arms or ammunition seized 20 under this Act by a person not being a magistrate or a police officer shall be delivered without delay to the officer in charge of the nearest police station and that officer shall—

(i) either release that person on his executing a bond with or without sureties to appear before a magistrate and 25 keep the things seized in his custody till the appearance of that person before the magistrate, or

(ii) should that person fail to execute the bond and to furnish, if so required, sufficient sureties, produce that person and those things without delay before the magistrate. 30

Offences to
be cogniza-
ble.

38 Every offence under this Act shall be cognizable within the meaning of the Code of Criminal Procedure, 1898. 5 of 1898,

Previous
sanction of
the district
magistrate
necessary in
certain cases.

39. No prosecution shall be instituted against any person in respect of any offence under section 3 without the previous sanction of the district magistrate. 35

Protection
of action
taken in
good faith.

40. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

41. Where the Central Government is of the opinion that it is necessary or expedient in the public interest so to do, it may by notification in the Official Gazette and subject to such conditions, if any, as it may specify in the notification,—

Power to exempt.

5 (a) exempt any person or class of persons, or exclude any description of arms or ammunition, or withdraw any part of India, from the operation of all or any of the provisions of this Act; and

10 (b) as often as may be, cancel any such notification and again subject, by a like notification, the person or class of persons or the description of arms and ammunition or the part of India to the operation of such provisions.

42. (1) The Central Government may, by notification in the Official Gazette, direct a census to be taken of all firearms in any 15 area and empower any officer of Government to take such census.

Power to take census of firearms.

(2) On the issue of any such notification all persons having in their possession any firearm in that area shall furnish to the officer concerned such information as he may require in relation thereto and shall produce before him such firearms if he so requires.

20 43. (1) The Central Government may, by notification in the Official Gazette, direct that any power or function which may be exercised or performed by it under this Act other than the power under section 41 or the power under section 44 may, in relation to such matters and subject to such conditions, if any, as it may specify 25 in the notification, be exercised or performed also by—

Power to delegate.

(a) such officer or authority subordinate to the Central Government, or

(b) such State Government or such officer or authority subordinate to the State Government,

30 as may be specified in the notification.

(2) Any rules made by the Central Government under this Act may confer powers or impose duties or authorise the conferring of powers or imposition of duties upon any State Government or any officer or authority subordinate thereto.

35 44. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the appointment, jurisdiction, control and functions of licensing authorities; 5
- (b) the form and particulars of application for the grant or renewal of a licence and where the application is for the renewal of a licence, the time within which it shall be made;
- (c) the form in which and the conditions subject to which any licence may be granted or refused, renewed, varied, suspended or revoked; 10
- (d) where no period has been specified in this Act, the period for which any licence shall continue to be in force;
- (e) the fees payable in respect of any application for the grant or renewal of a licence and in respect of any licence granted or renewed and the manner of paying the same; 15
- (f) the manner in which the maker's name, the manufacturer's number or other identification mark of a firearm shall be stamped or otherwise shown thereon;
- (g) the procedure for the test or proof of any firearm; 20
- (h) the conditions for use by a person who has completed the age of fourteen years but has not completed the age of eighteen years, of a point 22 bore rifle or an air rifle in the course of his training in the use of such rifle;
- (i) the authority to whom appeals may be preferred under section 18, the procedure to be followed by such authority and the period within which appeals shall be preferred, the fees to be paid in respect of such appeals and the refund of such fees; 25
- (j) the maintenance of records or accounts of anything done under a licence other than a licence under section 3 or section 4, the form of, and the entries to be made in, such records or accounts and the exhibition of such records or accounts to any police officer or to any officer of Government empowered in this behalf; 30
- (k) the entry and inspection by any police officer or by any officer of Government empowered in this behalf of any premises or other place in which arms or ammunition are or is manufactured or in which arms or ammunition are or is kept by a 35

manufacturer of or dealer in such arms or ammunition and the exhibition of the same to such officer;

(l) the conditions subject to which arms or ammunition may be deposited with a licensed dealer or in a unit armoury as required by sub-section (1) of section 21 and the period on the expiry of which the things so deposited may be forfeited;

(m) any other matter which is to be, or may be prescribed.

(3) All rules made under this Act shall be laid for not less than thirty days before each House of Parliament as soon as may be after they are made and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following.

45. Nothing in this Act shall apply to—

Act not to apply in certain cases.

(a) arms or ammunition on board any sea-going vessel or any aircraft and forming part of the ordinary armament or equipment of such vessel or aircraft;

(b) the acquisition, possession or carrying, the manufacture, repair, test or proof, the sale or transfer or the import, export or transport of arms or ammunition—

(i) by or under orders of the Central Government, or

(ii) by a public servant in the course of his duty as such public servant, or

(iii) by a member of the National Cadet Corps raised and maintained under the National Cadet Corps Act, 1948, or by any officer or enrolled person of the Territorial Army raised and maintained under the Territorial Army Act, 1948, or by any member of any other forces raised and maintained or that may hereafter be raised and maintained under any Central Act in the course of his duty as such member, officer or enrolled person;

(c) Any weapon of an obsolete pattern or of antiquarian value or in disrepair which is not capable of being used as a firearm either with or without repair;

(d) the acquisition, possession or carrying by a person of minor parts of arms or ammunition which are not intended to be used along with complementary parts acquired or possessed by that or any other person.

46. The Indian Arms Act, 1878, is hereby repealed.

Repeal of Act II of 1878.

STATEMENT OF OBJECTS AND REASONS

The Indian Arms Act at present in force was enacted eighty years ago (Act 11 of 1878), for consolidating and amending the then existing laws for control of arms and ammunition. Certain amendments have since been made and the Government have since the achievement of independence followed a liberal policy in the administration of the Indian Arms Act and the Rules framed thereunder. The present Bill seeks in the main to liberalise the licensing provisions and to reduce the inconvenience to the public to the minimum, while at the same time keeping in view the overall demands of public security and the maintenance of public order.

NEW DELHI;

G. B. PANT.

The 12th December, 1958.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 44 of the Arms Bill, 1958, empowers the Central Government to make rules to carry out the purpose of the Act, and the various matters in respect of which such rules may be made have been specified in sub-clause (2) of that clause. They relate *inter alia* to the appointment, jurisdiction, control and functions of licensing authorities; applications for grant or renewal of licences; conditions of granting or refusing, renewing, varying, suspending or revoking licences, fees for licences; the procedure for stamping the identification marks on firearms and their test or proof; conditions for use of a 22 bore rifle or an air rifle by a person between fourteen years and eighteen years of age in the course of training; the appellate authority and its procedure; entry and inspection by any police officer or specially empowered officer of any premises or other place in which arms, ammunition or military stores are manufactured, or stored; and the conditions of depositing arms, ammunition and military stores with a licenced dealer or in a police station or a unit armoury. These are either matters of procedure or matters of administrative detail and rules with respect thereto will be necessary for the day-to-day administration of the Act. Moreover, the rules to be made by the Central Government are to be laid before each House of Parliament as soon as they are made and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following. The delegation of legislative powers is thus of a normal character.

M. N. KAUL,
Secretary.

